

HOUSE BILL 3148
By Marrero

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 68, relative to breastfeeding.

WHEREAS, the American Academy of Pediatrics recommends breastfeeding exclusively for the first six months of an infant's life and continuing breastfeeding, along with other forms of nutrition, for at least the first twelve (12) months of an infant's life and as long thereafter as is mutually desired; and

WHEREAS, the American Academy of Pediatrics has continually endorsed breastfeeding as the optimal form of nutrition for infants and as a foundation for good feeding practices; extensive research indicates that there are diverse and compelling advantages to breastfeeding for infants, mothers, families, and society; and

WHEREAS, epidemiologic research shows that breastfeeding infants provides benefits to their general health, growth, and development and results in significant decreases in risk for numerous acute and chronic diseases; and

WHEREAS, research in developed countries provides strong evidence that breastfeeding decreases the incidence and severity of diarrhea, lower respiratory infection, otitis media, and urinary tract infection; and

WHEREAS, research studies have also shown that human milk and breastfeeding have possible protective effects against the development of a number of chronic diseases, including allergic diseases and some chronic digestive diseases; in addition, human milk and breastfeeding may prevent obesity; and

WHEREAS, breastfeeding has been related to the possible enhancement of cognitive development; and

WHEREAS, breastfeeding has been shown to have numerous health benefits for mothers, including an earlier return to prepregnancy weight, delayed resumption of ovulation with increased child spacing, improved bone remineralization postpartum with reduction in hip fractures in the postmenopausal period, and reduced risk of ovarian cancer and premenopausal breast cancer, as well as increased levels of oxytocin, resulting in less postpartum bleeding and more rapid uterine involution; and

WHEREAS, in addition to individual health benefits, breastfeeding results in substantial benefits to society, including reduced health care costs, reduced environmental damage, reduced governmental spending on supplementary feeding programs for women, infants, and children, and reduced employee absenteeism for care attributable to infant illness; and

WHEREAS, breastfeeding is a basic and important act of nurturing that should be encouraged in the interests of maternal and infant health; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 6 below as a new, appropriately designated chapter thereto.

SECTION 2. A mother has a right to breastfeed her child in any location, public or private, where the mother and child are otherwise authorized to be present, whether or not the mother's breast is covered during or incidental to the breastfeeding.

SECTION 3. The act of breastfeeding shall not be considered:

- (1) Public indecency as defined in §39-13-511; or
- (2) Nudity, obscene, or sexual conduct as defined in §39-17-901.

SECTION 4. A unit of local government shall not prohibit breastfeeding in public by local ordinance.

SECTION 5. Any state department or agency that administers any program related to maternal or child health shall provide information that encourages breastfeeding to all program

participants who are pregnant women or mothers with infants. Such programs are encouraged to include access to or payment for breast pumps, breast shields, or any supply deemed essential for the successful maintenance of lactation, as well as access to lactation specialists who are registered nurses, licensed dietitians, or persons who have successfully completed a lactation management training program. The department of health is authorized to develop a public information campaign to encourage and promote breastfeeding.

SECTION 6.

(a) A business may use the designation “mother-friendly” in its promotional materials if the business develops a policy supporting the practice of worksite breastfeeding that addresses the following:

- (1) Work schedule flexibility, including scheduling breaks and work patterns to provide time for expression of milk;
- (2) The provision of accessible locations allowing privacy;
- (3) Access nearby to a clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment; and
- (4) Access to hygienic storage alternatives in the workplace for the mother’s breast milk.

(b) The business shall submit its breastfeeding policy to the department of health, which shall maintain a list of “mother-friendly” businesses covered pursuant to this section and shall make the list available to the public.

SECTION 7. Tennessee Code Annotated, Section 39-13-511, is amended by adding the following language as a new, appropriately designated subsection:

(c) The provisions of this section do not apply to a mother who is breastfeeding her child in any location, public or private, whether or not the mother's breast is covered during or incidental to the breastfeeding.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.